

S-330

ORDINANCE NUMBER 2761

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A GASOLINE SERVICE STATION INCLUDING CONVENIENCE STORE ON AN APPROXIMATE 0.65-ACRE TRACT LOCATED AT 2360 VALWOOD PARKWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH FREEWAY SUBDISTRICT (PD-70 OFB-FW)) ZONING DISTRICT; REPEALING ORDINANCE 2574; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131 Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.

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WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow a gasoline service station including convenience store on an approximate 0.65-acre tract located at 2360 Valwood Parkway within Planned Development No. 70 Old Farmers Branch Freeway Subdistrict (PD-70 OFB-FW) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 70 Old Farmers Branch Freeway Subdistrict (PD-70 OFB-FW) zoning district and in accordance with the approved site plan attached as Exhibit "C" and the approved plan of operation attached as Exhibit "D."

SECTION 4. That the Property shall comply with the following conditions for approval:

- 1. Utility easements shall be dedicated by plat or by a separate instrument document, as determined by the City Engineer.
- 2. The lighting under the canopy shall be recessed so that the fixtures are flushed with the soffit of the canopy surface.
- The placement of the plant material near the proposed monument sign location, as shown on the landscape plan, shall be revised, subject to review and approval by staff, prior to issuance of a building permit.

4. The property owner shall provide a hold harmless agreement for the monument sign to encroach into the utility easement, prior to issuance of a building permit.

SECTION 5. That the Property was granted the following special exceptions in accordance with Exhibit "C," by the Planning and Zoning Commission on March 8, 2004:

- Allow a 25'-6" building setback from Valwood Parkway for the canopy instead of the required 30 foot building setback.
- Allow approximate 196 square feet of landscape area instead of approximate 210 square feet around the existing pole sign.
- Allow eight attached signs on the canopy structure instead of two signs.
- 4. Allow the existing pole sign 39 feet above the nearest freeway travel lane instead of 25 feet and approximate 210 square feet in area instead of 200 square feet, including establishing legal conforming status.
- 5. Allow the monument sign to be 7'-8" tall instead of maximum 6 feet tall, 11'-4" wide instead of maximum 10 feet wide, and 47% visible masonry instead of minimum 75% visible masonry.

SECTION 6. That Ordinance 2574 is hereby repealed.

SECTION 7. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sun of two thousand dollars (\$2,000.00) for each offense.

SECTION 9. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 10. This ordinance shall take effect immediately from and after its passage as the

APPROVED AS TO FORM:

law in such case provides.

City Attorney

City Secretary

EXHIBIT "A" - Legal Decription

Being Lot 1, Block 1, of Daltex Addition, an Addition to the City of Farmers Branch, Texas, according to the Map thereof recorded in Volume 529, Page 2051, Map Records, Dallas County, Texas, and being described more particularly as follows;

Beginning at a steel rod set at the most northerly northwest corner of said Lot 1 on the south line of Valwood Parkway, 100.0 feet wide, at its intersection with the northeast end of the cutoff from the easterly line of U. S. Highway 77, Interstate Highway 35-E;

Thence N 89°27' E, along the south line of Valwood Parkway, a distance of 163.00 feet to a steel rod found at the northeast corner of said Lot 1;

Thence S 00°33' E, a distance of 155.14 feet to a railroad spike set at the southeast corner of said Lot 1;

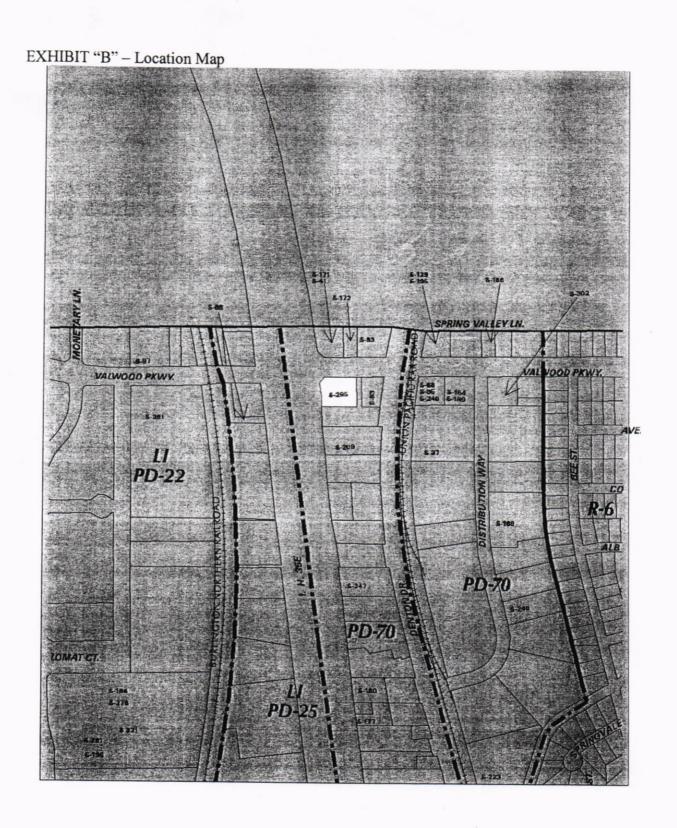
Thence S 89°53' W, a distance of 181.32 feet to a steel rod found at the southwest corner of said Lot 1 on the east line of said U. S. Highway 77, Interstate Highway 35-E;

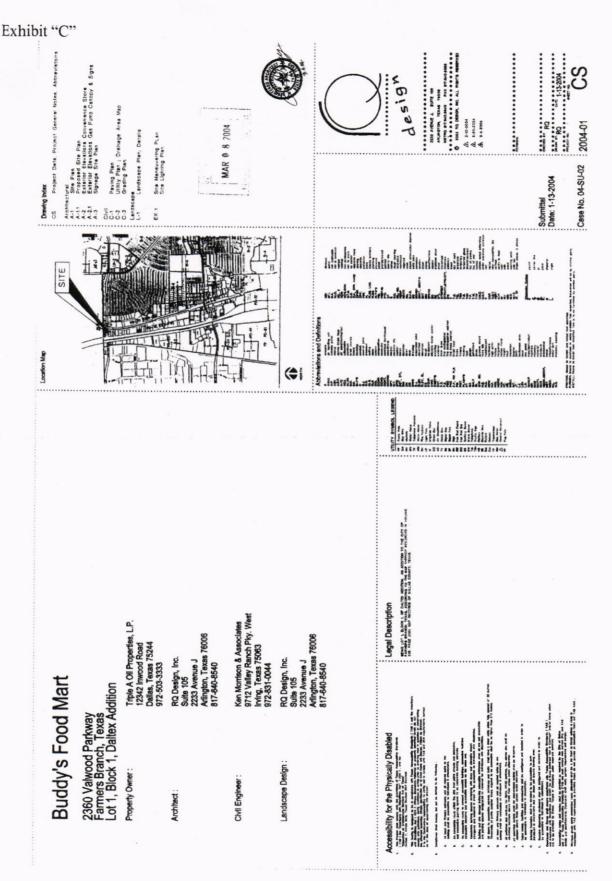
Thence along easterly lines of said Highway, and being westerly lines of said Lot 1,

N 00°52' W, a distance of 52.15 feet to a steel nail set at an angle,

N 06°57' W, a distance of 72.25 feet to a steel rod set at the southwest end of said cutorr, and N 41°15' E, along said cutoff a distance of 39.98 feet to the place of beginning;

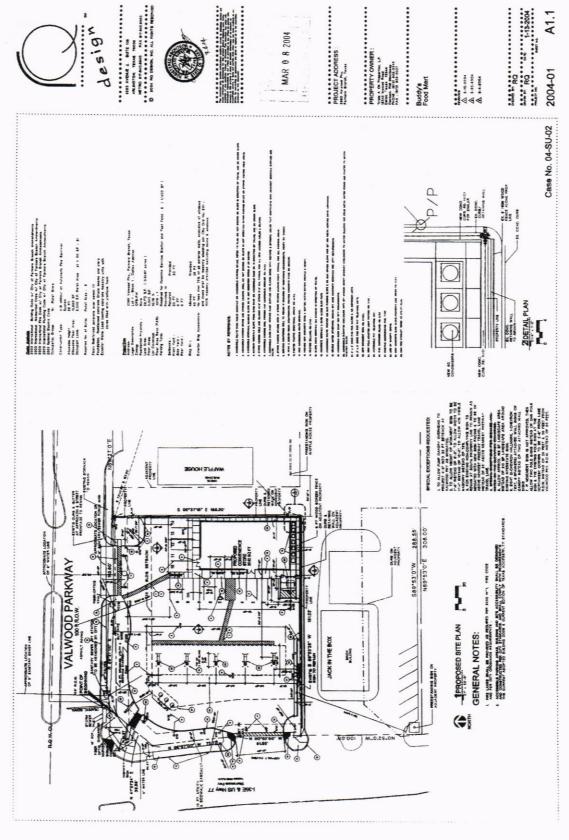
Containing 28,172 square feet of land.





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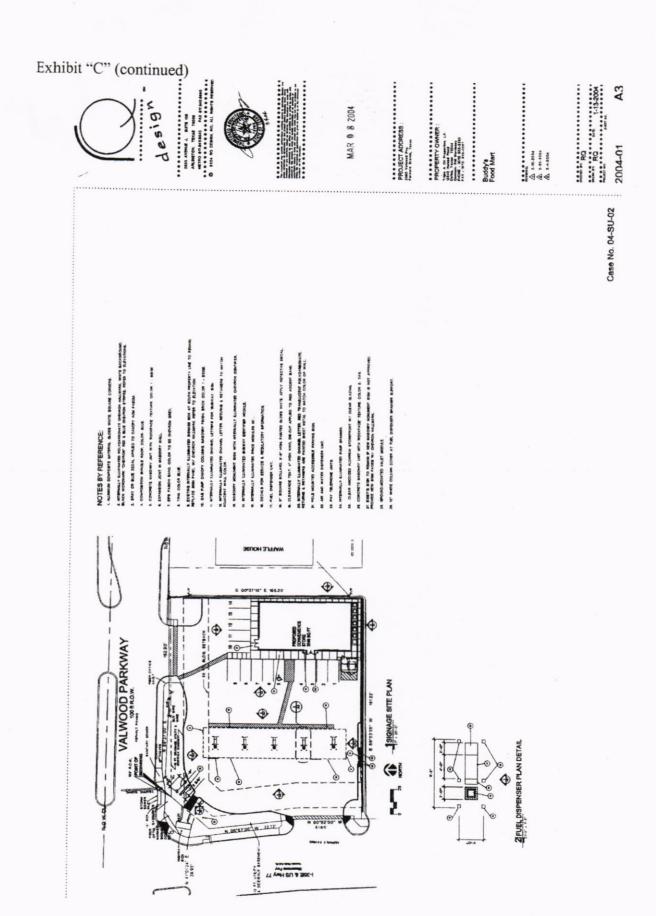
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SIGN ELEVATION

WEST ELEVATION

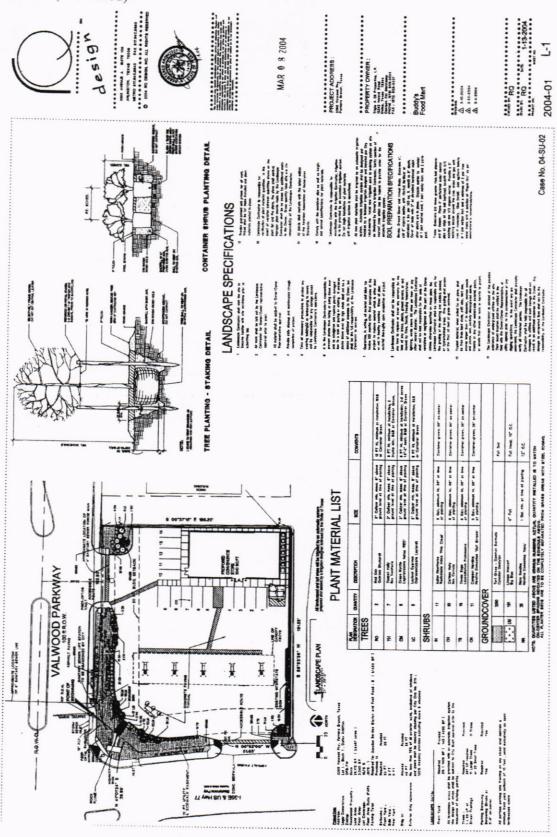
Exhibit "C" (continued) MAR 0 8 2004 Case No. 04-SU-02 SHULL HEALT STREET 0 SOUTH ELEVATION SINTERSTATE SIGN ELEVATION

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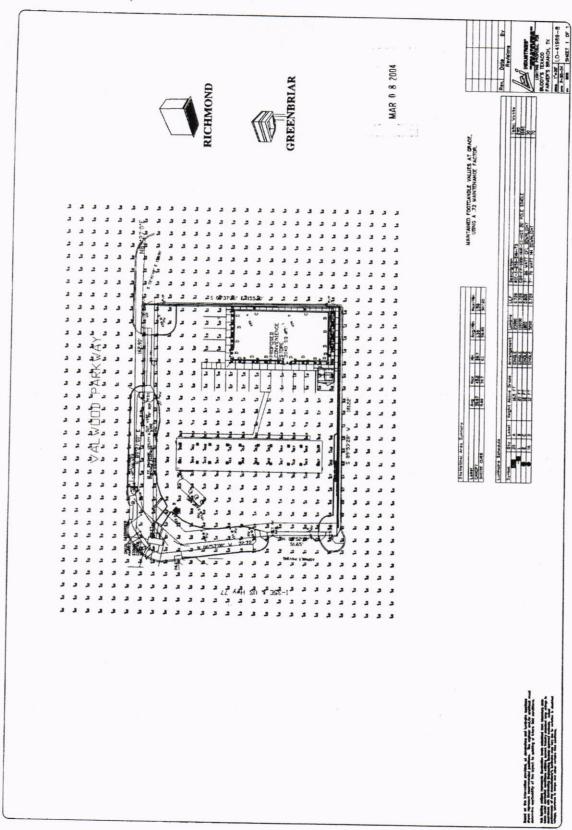
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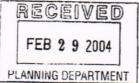
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Planning & Zoning Commission of the City of Farmers Branch Application for Specific Use Permit



PLAN OF OPERATION

All non-residential application:	uses must provid	le the follo	wing information w	rith the
Describe proposed use	Convenience food	store with	fast food and gasolin	ne sales.
,				
Indicate hours of operation	n of the proposed use_	6:00 a.m.	- 12 midnight inside a	sales 7 days
a.week. Gasoline s	ales, at pumps, 24-	-hour: 7 day	s a week. Fast food	operator open
for lunch and dinne	r 7 days a week, 10	a.m. thru	9 p.m.	
Total number of employeduring hours of peak non-scheduled visits as above. Indicate if any storage is p	by district and re	, and invent	ory. Pariodic schedul gement. Fast food ope	led and
Indicate if any activity is p 2) water/air statio	-	-	soline fueling	
Any other relevant unique	information on the b	usiness or site	Previous SUP (00-SU	-17) to be
repealed. Owner del	eting car wash and	adding fast	food operator. All	other major
aspects for build-ou	t and modification	to property	remain unchanged fro	m previous SUP

G:\Planning and Zoning\Application Forms\Specific Use Permit\Plan of Operation, 10/23/03